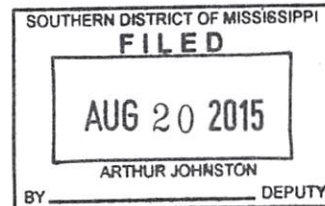


IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



UNITED STATES OF AMERICA,
Ex rel., DEEDY DIAMOND, NICHOL
CHAISSON, and SANDRA FAIRLEY

PLAINTIFFS

V.

CIVIL ACTION NO. 1:12CV393 LG-JMR

ST. JOSEPH HOSPICE
and PATRICK MITCHELL

DEFENDANTS

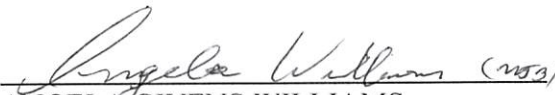
FILED UNDER SEAL

THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE
IN PART AND TO DECLINE TO INTERVENE IN PART

Respectfully submitted,

Gregory K. Davis
United States Attorney
Southern District of Mississippi

Dated: August 20, 2015


ANGELA GIVENS WILLIAMS
Assistant United States Attorney
501 East Court Street, Suite 4.430
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MS Bar No. 102469

**IN THE UNITED STATES DISTRICT COURT FOR
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Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action and to decline to intervene in part of this action. The United States intervenes in that part of the action that alleges the defendants St. Joseph Hospice and Patrick Mitchell aggressively marketed “continuous care” hospice services and routinely billed continuous care services to the government for patients who do not qualify for that level of care. The United States declines to intervene in that part of the action that alleges Defendants routinely admitted into hospice patients who were not eligible for hospice benefits from Medicare Part A. The parties have reached a settlement in this matter as to the allegations related to continuous care hospice services. The terms of the Settlement Agreement call for dismissal of the action upon the full payment of the settlement amount, which is scheduled to occur on or before January 6, 2016. The Stipulation of Dismissal will result in the dismissal with prejudice of all claims in the lawsuit of Relators Deedy Diamond, Nichoel Chaisson and Sandra Fairley. The Stipulation of Dismissal will result in dismissal with prejudice of the United States

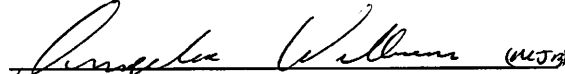
claims regarding continuous hospice care and dismissal without prejudice as to any claims the United States would have regarding routine hospice care. The United States and Relators will submit the Stipulation of Dismissal no later than January 13, 2016.

Finally, the United States requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

Gregory K. Davis
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Angela Givens Williams", is written over a horizontal line.

ANGELA GIVENS WILLIAMS
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Telephone: (601) 965-4480
Fax: (601) 965-4409
MS Bar No. 102469


Dated: August 20, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE IN PART AND TO DECLINE TO INTERVENE IN PART has been sent via Electronic Mail, to the party noted below, on August 20, 2015.

Counsel for Relator

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Pigot, Reeves & Johnson


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